

## SUBCHAPTER B—ACQUISITION PLANNING

### PART 2509—CONTRACTOR QUALIFICATIONS

#### Subpart 2509.4—Debarment, Suspension, and Ineligibility

Sec.

2509.400 Scope of subpart.

2509.403 Definitions.

2509.405 Effect of listing.

2509.405-1 Continuation of current contracts.

2509.405-2 Restrictions on subcontracting.

2509.406 Debarment.

2509.406-1 General.

2509.406-3 Procedures.

2509.407 Suspension.

2509.407-1 General.

2509.407-3 Procedures.

2509.408 Certification regarding debarment, suspension, proposed debarment, and other responsibility matters.

2509.410 Appeals.

AUTHORITY: Sec. 11(a), National Science Foundation Act of 1950, as amended (42 U.S.C. 1870(a)).

SOURCE: 57 FR 34881, Aug. 7, 1992, unless otherwise noted.

#### Subpart 2509.4—Debarment, Suspension, and Ineligibility

##### 2509.400 Scope of subpart.

This subpart supplements subpart 9.4 of the Federal Acquisition Regulation by prescribing NSF policies and procedures and assigning responsibility for making debarment and suspension decisions. Nothing in this subpart is intended to alter the effect of subpart 9.4.

##### 2509.403 Definitions.

The NSF Deputy Director is the “debarment official” and “suspending official” for the Foundation. All duties assigned to the NSF Deputy Director by this regulation or by subpart 9.4 of the Federal Acquisition Regulation may be delegated by him or her to any officer or employee of the Foundation.

##### 2509.405 Effect of listing.

##### 2509.405-1 Continuation of current contracts.

(a) The NSF Deputy Director will decide whether to continue NSF con-

tracts or subcontracts in existence at the time a contractor is debarred, suspended, or proposed for debarment.

(b) The NSF Deputy Director will decide whether to renew or otherwise extend the duration of NSF contracts, or consent to subcontracts, with contractors debarred, suspended, or proposed for debarment. He or she will prepare a written statement of the compelling reasons for renewal and extension.

##### 2509.405-2 Restrictions on subcontracting.

The NSF Deputy Director may authorize a contracting officer to consent to a subcontract with a contractor debarred, suspended, or proposed for debarment. He or she will prepare a written statement of the compelling reasons for such approval.

##### 2509.406 Debarment.

##### 2509.406-1 General.

(c) The NSF Deputy Director will decide whether to enter into a contract with a contractor that is debarred or proposed for debarment. He or she will prepare a written statement of the compelling reasons justifying continued business dealings between the Foundation and the contractor.

##### 2509.406-3 Procedures.

(a) Any NSF employee who becomes aware of circumstances that may serve as the basis for debarment of a contractor will promptly report them to the NSF Office of Inspector General (OIG) and the debarring official. OIG will investigate the circumstances and, if it determines appropriate, prepare a written referral of the matter to the debarring official.

(b) Upon receipt of a referral from the NSF Office of Inspector General, the debarring official will determine, in consultation as appropriate with OIG, the NSF Office of the General Counsel, the NSF Procurement Executive, and program officials, what additional steps are necessary and appropriate to make a decision in accordance with the requirements of 48 CFR 9.406-3.

## **2509.407**

### **2509.407 Suspension.**

#### **2509.407-1 General.**

(d) The NSF Deputy Director will decide whether to enter into a contract with a suspended contractor. He or she will prepare a written statement of the compelling reasons justifying continued business dealings between the Foundation and the contractor.

#### **2509.407-3 Procedures.**

(a) Any NSF employee who becomes aware of circumstances that may serve as the basis for suspension of a contractor will promptly report them to the NSF Office of Inspector General (OIG) and the suspending official. OIG will investigate the circumstances and, if it determines appropriate, prepare a written referral of the matter to the suspending official.

(b) Upon receipt of a referral from the NSF Office of Inspector General, the suspending official will determine, in consultation as appropriate with OIG, the NSF Office of the General Counsel, the NSF Procurement Executive, and program officials, what additional steps are necessary and appropriate to make a decision in accordance with the requirements of 48 CFR 9.407-3.

## **48 CFR Ch. 25 (10-1-05 Edition)**

### **2509.408 Certification regarding debarment, suspension, proposed debarment, and other responsibility matters.**

(a)(2) NSF contracting officers will notify the Office of Inspector General and the Deputy Director whenever information submitted by offerors in compliance with the Certifications Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters provisions in solicitations indicates the existence of an indictment, charge, conviction, or civil judgment.

#### **2509.410 Appeals.**

(a) A debarred or suspended contractor may appeal to the Director in writing within 30 days after receiving notice of the debarring or suspending official's decision in accordance with 48 CFR 9.406-3(e) or 9.407-3(d)(4). The debarring or suspending official's decision becomes a final administrative action if not appealed within the 30 day period.

(b) The Director may appoint an uninvolved NSF officer or employee to review an appeal and make recommendations.

(c) The Director will inform the appellant of a final decision within 30 days after receiving the appeal. That decision will be the final administrative action of the Foundation.